

ORDINANCE NO. 14-103
AN ORDINANCE APPROVING VARIANCES FOR A FRONT YARD SETBACK AND
FOR A DENSITY REDUCTION FOR PROPERTY LOCATED AT 408-412 N. CASS
AVENUE, WESTMONT

WHEREAS, the Village of Westmont is a municipal corporation duly organized and operating pursuant to the laws of the State of Illinois; and

WHEREAS, Cass Avenue Dream Homes, LLC (“Applicant”) is the prospective owner of real property located at 408-412 N. Cass Avenue, Westmont, Illinois (the “Subject Property”), which is legally described in Exhibit “A” attached hereto; and

WHEREAS, Applicant proposes to construct four (4) townhome buildings for a total of twenty-two units upon the Subject Property, which is zoned R-4 General Residence District; and

WHEREAS, Applicant seeks a variance for density to allow this proposed development upon a minimum lot area of 83,700 square feet rather than the required minimum 127,800 square feet so that four (4) townhome buildings with approximately eight (8) three-bedroom units and fourteen (14); and two-bedroom units may be constructed; and

WHEREAS, Applicant also seek a variance for a front yard setback for the purpose of constructing a six (6) unit townhome building within the required 30’ front yard setback;

WHEREAS, Applicant is proposing a 15’ front yard setback on Cass Avenue; and

WHEREAS, the Westmont Planning & Zoning Commission conducted a public hearing after due notice and voted to recommend these variances pursuant to its written findings of fact; and

WHEREAS, the Village of Westmont Board of Trustees adopts said findings of fact and desires to grant these variances, specifically finding these variances to be compatible with surrounding recent development, with no adverse impact on surrounding properties.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, as follows:

Section 1: Applicant’s request for a variance to allow a reduction in density to 83,700 square feet in lieu of 127,800 square feet on the Subject Property is hereby approved. This approval is subject to the following special condition, which is imposed to limit any adverse effects on the owner-occupiers of the Subject Property and on surrounding property owners, and is imposed due to concerns over the density of this project and unique impacts imposed by such density, and is imposed with the agreement and consent of the Applicant:

- A. No more than 4 townhouse units out of the 22 total townhouse units may be rented at any one time. The Applicant-Developer shall impose this rental restriction as part of a Declaration of Covenants, Conditions

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and Restrictions recorded against title to the Subject Property, or such other similar document recorded against title to the Subject Property, and this special condition may not subsequently be removed by the owners of the Subject Property without the consent and approval of the Westmont Board of Trustees.

Section 2: Applicant's request for a variance to allow a reduction of the required front yard setback to 15' feet from the required 30' is hereby approved.


Section 3: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of the conflict.

Section 4: This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED by the Mayor and Board of Trustees of the Village of Westmont, DuPage County, Illinois, this 12th day of June, 2014.

Ayes: 6 Nays: 0 Absent: 0

APPROVED:


Ronald J. Gunter, Mayor

ATTEST:


Virginia Szynski, Village Clerk



EXHIBIT A

Legal Descriptions:

THE NORTH HALF OF LOT 4 IN BLOCK 8, IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRMONT GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 4, AND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1920 AS DOCUMENT 144142, IN DUPAGE COUNTY, ILLINOIS.

More common location: 414 N. CASS AVENUE, WESTMONT, ILLINOIS.

P.I.N.: 09-04-409-007

THE SOUTH HALF OF LOT 4, BLOCK 8, IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRMONT GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 4, AND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1920, AS DOCUMENT 144142 IN DUPAGE COUNTY, ILLINOIS.

More common location: 412 N. CASS AVENUE, WESTMONT, ILLINOIS.

P.I.N.: 09-04-409-008

LOT 5, IN BLOCK 8, IN ARTHUR T. MCINTOSH AND COMPANY'S FAIRMONT GARDENS, BEING A SUBDIVISION IN THE SOUTHEAST QUARTER OF SECTION 4, AND IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 38 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED SEPTEMBER 7, 1920, AS DOCUMENT 144142 IN DUPAGE COUNTY, ILLINOIS.

More common location: 408 N. CASS AVENUE, WESTMONT, ILLINOIS.

P.I.N.: 09-04-409-009